

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LORENZO WOOD, JR.,

Plaintiff,

-vs-

Case No. 13-CV-281

**PATRICIA BILLINGS and
SUE NEIL,**

Defendants.

ORDER

On December 30, 2015, the plaintiff filed a proposed amended complaint. Pursuant to Federal Rule of Civil Procedure 15(a), the plaintiff may not amend his complaint at this stage of the proceedings without first obtaining the Court's leave. The plaintiff did not obtain the Court's leave to file an amended complaint. The Court also notes that the plaintiff failed to follow Civil Local Rule 15(b), which requires a plaintiff to "state specifically what changes are sought by the proposed amendments." Based on the plaintiff's failure to follow these rules, the Court will strike the plaintiff's proposed amended complaint.

Even if the plaintiff had sought the Court's leave, it is doubtful that the Court would have permitted the plaintiff to amend his complaint. Based on the Court's cursory review of the plaintiff's proposed amended


complaint, it appears that he desires to add Guardian Health Staff, LLC, and the Wisconsin Department of Corrections as defendants.

The Court reminds the plaintiff that § 1983 makes individuals and entities liable only for their own misdeeds, not for anyone else's. *Burns v. Fenoglio*, 525 Fed. Appx. 512, 515 (7th Cir. 2013). In other words, a plaintiff cannot state a claim based on vicarious liability or merely because an entity employs or supervises a particular individual. Further, only in very limited circumstances will the allegation of "failure to train" support § 1983 liability. *Erwin v. County of Manitowoc*, 872 F.2d 1292, 1297 (7th Cir. 1989). To state a claim, the improper or inadequate training must actually cause the injury complained of; it must itself demonstrate deliberate indifference to the constitutional rights of the plaintiff. *Id.* at 1297-98. The Court cautions the plaintiff to consider these observations as he decides whether to seek the Court's leave to file an amended complaint.

IT IS ORDERED THAT the plaintiff's proposed amended complaint (ECF No. 93) is **STRICKEN**.

Dated at Milwaukee, Wisconsin, this 27th day of January, 2016

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge